(5)

C.A. 1082

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,

CHHATTISGARH

WRIT PETITION NO. 261 OF 2004

PETITIONER:

M/S Suresh Prasad,
A Proprietorship Firm/Civil Contractors through Proprietor Suresh Prasad, S/O Late Shri Shivnandan Prasad, Aged about 50 years, R/O Banaras Road, Ambikapur, District Sarguja (C.G.).

P. R. No. 2/6/2004
Presented by Shri Sameer Behar
dated 16-8-04

Versus

RESPONDENTS:

1. South East Central Railway,
Through its General Manager,
Zonal Headquarter,
Bilaspur (C.G.).

2. Deputy Chief Engineer/C/II,
South East Central Railway,
Bilaspur (C.G.).

11/6/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(131)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.2601/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

23.11.2004

On a mention being made, the matter is taken up for hearing.

Shri Prashant Mishra, counsel for the petitioner.

Shri V.V.S.Murthy, Standing Counsel for Union of India.

Shri Mritunjay Kumar, Chief Engineer, Railway Authorities, Bilaspur, is present in the Court.

Heard on the application I.A. No. 8509/2004, whereby the petitioner has requested that, in the circumstances, the petitioner may be allowed to make a representation to the respondent authorities for allowing him to continue with the contract work.

Learned counsel for the petitioner submits that the petitioner was awarded the contract of earthwork, minor bridges, protection works and other allied works from 12.00 Km. to 19.80 Km. in connection with the construction of new broadguage railway line between Bishrampur Railway Station and Ambikapur Railway Station.

Learned counsel for the petitioner submits that on 24.12.2002 the petitioner was granted the contract. He further submits that almost 70% work has already been completed but the work was delayed on account of non-receipt of the clearance from the Ministry of Environment and Forest and the same was taken by the respondent authorities.

Looking to the petitioner's difficulties, vide order dated 12.7.2004 extension for execution of the work was granted to the petitioner. However, on 19.7.2004, all of a sudden his contract award was cancelled. He also urged that the petitioner is ready to execute the remaining work on the already agreed rates.

(132)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2601/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

On the other hand, Shri V.V.S. Murthy submits that after cancellation of the contract, fresh tenders were invited but no one has come forward for taking up the remaining work.

In the circumstances, if the petitioner is ready to execute the remaining work on the same terms and conditions, then it would be fair and reasonable for Railway Authorities to consider his representation.

Learned counsel for the petitioner further submits that from the date of the order of contract to the petitioner, he will give an undertaking to the respondent authorities that he will complete the work by 15th March 2005.

Therefore, the petitioner is allowed to make a representation within a period of 7 days for consideration of the respondent authorities. The respondent authorities are directed to decide the representation after considering all the points raised by the petitioner within a period of another 15 days from the date of receipt of copy of this order and in that process if the Railway Authorities permit the petitioner to complete the remaining work, then the respondent authorities may impose the conditions on the petitioner. In case, if the petitioner fails to complete the work within a time awarded, then penalty will be imposed on him.

With the direction aforesaid, the petition stands disposed of.

Consequently, I.A. No. 8509/2004 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Sunita

2811 5/14/08 26/4/08